

REMARKS

Claims 1, 6, 8, 10, 12 and 20 remain pending in the present application. Claims 7, 9 and 11 have been cancelled. Claims 1, 6, 8, 10, 12 and 20 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

REJECTION UNDER 35 U.S.C. § 103

Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller (U.S. Pat. No. 6,667,555). Claim 1 has been amended to define a pressure control unit for controlling the pressure of the pressurized gas in the upper and lower working chambers and a valve control unit controlling the electronic valve. The valve control unit is defined as operating independently from the pressure control unit.

Miller, in Figures 2, 3, 7, 8 and 14 discloses a shock absorber which includes a pneumatic valve disposed in the piston. The pneumatic valve receives pressurized gas from an outside source through the piston rod. The pressurized gas is supplied directly to the piston rod (Figures 1-6, 9-12) or through a control chamber 42. Miller does not disclose if control chamber 42 is in communication with the upper or working chambers of the shock absorber. If we assume that in Figure 14 (full view of Figures 7 and 8) that chamber 42 is in communication with the upper working chamber, then there is no independent control of a valve in the piston. In a similar manner, the embodiments that have the pressurized fluid supplied directly to the piston rod, there is no independent control of the pressure in the working chambers. Whether or not the piston valving is

electronic or pneumatic, Miller fails to disclose, teach or suggest the independent operation as defined in amended Claim 1.

Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

Claims 12 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller in view of Grundei, et al. (U.S. Pat. No. 5,971,117). Claim 12 depends from Claim 1. As stated above, Claim 1 has been amended and is now believed to patentably distinguish over the art of record. Thus, Claim 12 is also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Regarding Claim 20, it has been amended in a manner similar to Claim 1 and thus the discussion above regarding Miller and Claim 1 apply here to Claim 12. Grundei, et al. discloses two pistons but Grundei, et al. does not disclose, teach or suggest the independent control now defined in amended Claim 20.

Thus, Applicant believes Claim 20, as amended, patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

REJOINDER

Applicant respectfully requests the rejoinder of withdrawn Claims 6, 8 and 10.

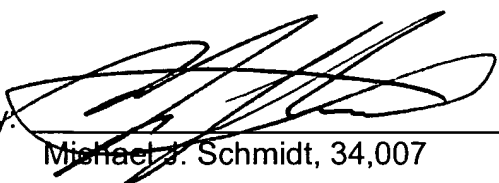
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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